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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>CARLENE MCPHILLIP,</p> <p>Plaintiff,</p> <p>-against-</p> <p>KATHLEEN M. MAGOON (PRIVATE CAPACITY) ROBERT G. MALESTEIN (PRIVATE CAPACITY) NATIONSTAR MORTGAGE LLC DBA MR. COOPER ALLIED FIRST BANK, SB DBA SERVBANK,</p> <p>Defendants.</p>	<p>Civil Action No. 1:23-cv-02663- RMB-EAP</p> <p>NOTICE OF MOTION OF DEFENDANT ALLIED FIRST BANK SB dba SERVBANK'S TO DISMISS THE FIRST AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(1) AND FED. R. CIV. P. 12(b)(6)</p>
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TO: CARLENE McPHILLIP, Plaintiff *Pro Se*
3501 Blackhorse Pk. #530-1026
Turnersville, NJ 08012

PLEASE TAKE NOTICE that on September 5 2023 or as soon thereafter as counsel may be heard, defendant ALLIED FIRST BANK, SB dba Servbank (“Servbank”), by and through its undersigned attorneys, shall move before the Honorable Renee Marie Bumb, United States District Judge, at the Martin Luther King Federal Building and United States Courthouse, located at 50 Walnut St., Newark, New Jersey 07102, for an order dismissing the First Amended Complaint filed in this action by PLAINTIFF CARLENE MCPHILLIP, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendant Servbank shall rely upon the accompanying Memorandum of Law and Declaration of Michael C. Mulè, Esq. with exhibits. A proposed form of order has also been submitted.

Dated: August 7, 2023

MILMAN LABUDA LAW GROUP PLLC

*Attorneys for Defendant Allied First Bank SB dba
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/s/ Michael C. Mulè

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